

**CORRECTION TO CALIFORNIA REGULATORY NOTICE REGISTER
NO. 50-Z, DECEMBER 13, 2002**

ERRATA SHEET

The California Regulatory Notice Register (CRNR) Volume 2002, No. 50-Z, December 13, 2002, page numbers were incorrectly numbered as 2277-2298. The correct page numbers for CRNR, Volume 2002, No. 50-Z, should be **2313-2334**.

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NO. 51-Z, DECEMBER 20, 2002**

ERRATA SHEET

The California Regulatory Notice Register (CRNR) Volume 2002, No. 51-Z, December 20, 2002, page numbers were incorrectly numbered as 2299-2334. The correct page numbers for CRNR, Volume 2002, No. 51-Z, should be **2335-2370**.

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NO. 52-Z, DECEMBER 27, 2002**

ERRATA SHEET

The California Regulatory Notice Register (CRNR) Volume 2002, No. 52-Z, December 27, 2002, page numbers were incorrectly numbered as 2335-2364. The correct page numbers for CRNR, Volume 2002, No. 51-Z, should be **2371-2400**.

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION

STATE AGENCY: Coachella Valley Mountains
Conservancy

AMENDMENT

STATE AGENCY: Department of Consumer Affairs

A written comment period has been established commencing on **January 3, 2003** and closing on **February 17, 2003**. Written comments should be directed to the Fair Political Practices Commission, Attention **Trish Mayer**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **February 17, 2003**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to **Trish Mayer**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Trish Mayer**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (herein after referred to as "Department") is proposing to take the action described in the Informative Digest.

A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than **15 days prior to the close of the written comment period**. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person **on or before 5:00 p.m. February 17, 2003**.

Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 407 and 10610 of the Food and Agricultural Code, and to implement, interpret or make specific section 10610 of the Food and Agricultural Code, the Department is considering adding new Article 12, and sections 820.0 through 820.9 to Chapter 2, Division 2, of Title 3 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law, Food and Agricultural Code section 9561, authorizes the Department to prevent or eradicate any contagious, infectious, or transmissible disease which affects domesticated animals within the state. Sections 9562 and 9570 authorize the State Veterinarian to order the quarantine of diseased animals and restrict movement of infected animals or animal products to prevent the spread of illness to humans or animals.

Assembly Bill 1782 (Florez, Ch. 425, Stats. 2000), added section 10610 to the Food and Agricultural Code. This section authorizes the Department to adopt regulations to control and eradicate cattle diseases,

including bovine trichomonosis, through limitations on movement, diagnostic testing, vaccinations, or other appropriate methods of treatment and control.

This proposal adds Article 12, Sections 820 through 820.9, to Title 3 of the California Code of Regulations to establish the bovine trichomonosis control program. The program requirements include specifying the conditions for the movement of cattle within the state, the testing and diagnosis of trichomonosis, the appointment of an advisory committee, and defines penalties.

FISCAL IMPACT STATEMENTS

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact: The Department has made an initial determination that this proposed regulatory action would not result in any significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. This proposal establishes requirements for individuals voluntarily participating in the proposed trichomonosis control program and establishes livestock disease control restrictions for cattle entering California. Because the requirements for California businesses and individuals are based on voluntary participation in the trichomonosis program, the Department has determined that no adverse impact exists.

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Private Persons or Entities: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

This regulation will not have any adverse economic impact on small businesses. This proposal establishes requirements for individuals voluntarily participating in the proposed trichomonosis control program and establishes livestock disease control restrictions for cattle entering California. Because the requirements for California businesses and individuals are based on

voluntary participation in the trichomonosis program, the Department has determined that no adverse impact exists.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing (if a hearing is requested from the public), or during the public comment period.

INITIAL STATEMENT OF REASONS

The Department has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing (if a hearing is requested) or during the public comment period upon request from the Department of Food and Agriculture, 1220 N Street, Room A-114, Sacramento, California 95814.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the persons named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below.

CONTACT PERSONS

Inquires concerning the substance of the proposed regulations are to be addressed to the following:

Name: Thami Rodgers, Associate Analyst
Address: Department of Food and Agriculture
Animal Health and Food Safety
Services
1220 N Street, Room A-114
Sacramento, CA 95814
Telephone No.: (916) 698-3276
Fax No.: (916) 653-4249
E-mail address: trodgers@cdfa.ca.gov

The backup contact person is:

Name: Nancy Grillo, Associate Analyst
Address: Department of Food and Agriculture
Animal Health and Food Safety
Services
1220 N Street, Room A-114
Sacramento, CA 95814
Telephone No.: (916) 651-7280
Fax No.: (916) 653-4249
E-mail address: ngrillo@cdfa.ca.gov

Written comments, facsimiles or e-mails regarding this proposal are to be addressed to the following:

Name: Thami Rodgers, Associate Analyst
Address: Department of Food and Agriculture
Animal Health and Food Safety
Services
1220 N Street, Room A-114
Sacramento, CA 95814
Telephone No.: (916) 698-3276
Fax No.: (916) 653-4249
E-mail address: troddgers@cdfa.ca.gov

Website Access: Materials regarding this proposal can be found at <http://www.cdfa.ca.gov>

TITLE 5. SUPERINTENDENT OF PUBLIC INSTRUCTION

NOTICE OF PROPOSED RULEMAKING

Centralized Eligibility Lists (CELs) Regulations

The State Superintendent of Public Instruction (Superintendent) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

The Superintendent will hold a public hearing starting at **10:00 a.m. on February 18, 2003**, at 1430 N Street, Room 4101, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Superintendent requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. All written comments must be

received by the Regulations Adoption Coordinator no later than **5:00 p.m. on February 18, 2003**. Requests to present oral statements at the public hearing or written comments for the Superintendent's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 95814-5901
E-mail: dstrain@cde.ca.gov
Telephone: (916) 319-0641
FAX number: (916) 319-0155

AUTHORITY AND REFERENCE

Education Code section 8203 requires that Superintendent develop standards for the implementation of quality programs for child care and development programs operated pursuant to Chapter 2 of Part 6 of Division 1 of the Education Code.

Education Code section 8261 requires that the Superintendent adopt rules and regulations that provide for a contract monitoring system to ensure that agencies expend state funds in accordance with the provisions of their contracts in programs operated pursuant to Chapter 2 of Part 6 of Division 1 of the Education Code.

References: Sections 8203, 8208, 8244, 8261, 8261(a)(2), 8360.1, 18023, 18272, 18273, 18274, 18275, 18279, 18280, and 18281, Education Code.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

The Superintendent proposes to amend Section 18106 (e) of Chapter 19, Subchapter 3, Article 4, pertaining to Child Care and Development Programs, Admission Policies and Procedures.

Education Code sections 8261 and 8263 require the State Superintendent of Public Instruction (Superintendent) to adopt regulations on eligibility, enrollment, and priority of services for child care and development programs operated by contractors with the California Department of Education, Child Development Division.

Education Code section 8499.5(b)(8) requires Local Child Care and Development Planning Councils (LPCs) to design a system to consolidate local child care waiting lists. Provision 7(d) of Schedule (b)(11) of item 6110-196-001 in the Budget Act of 2000-01 authorizes funds for a Centralized Waiting List Pilot Program.

Child Development Division Management Bulletin MB 00-22, October 2000, announced the Centralized Eligibility List (CEL) Pilot Project and invited LPCs

to request Pilot Project funds for start-up costs or to maintain, improve, or expand existing CEL systems. Nine counties were selected to participate in the CEL Pilot Project. The Pilot Project was originally scheduled to end on June 30, 2002, but has been extended in several counties to June 30, 2003.

Title 5, California Code of Regulations, Section 18106 requires contractors to maintain a waiting list in accordance with certain admission priorities and contact applicants in order of priority from the waiting list as vacancies occur. Since Child Development Division contractors are audited annually and monitored periodically for compliance with Title 5 regulations, contractors participating in CEL Pilots are at risk of audit exceptions and withholding of apportionments if they participate in the CEL instead of maintaining their own list. In addition, a few contractors have refused to participate in CELs even though they provide services in counties where CELs are currently in operation.

The proposed regulation will enable contractors to satisfy the requirement for maintaining a waiting list for their programs by participating in their county's CEL. The proposed regulation will also require contractors in counties that have funding for a CEL to participate in the CEL.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed upon local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impact on a representative private person or business: The Superintendent is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: The superintendent has made an initial determination that the proposed regulatory action would not affect housing costs.

Effect on small businesses: The proposed regulations will have no effect on small businesses because child care businesses contracting with the Child Development Division are already required to maintain a waiting list.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Superintendent must determine that no reasonable alternative considered by the Superintendent or that has otherwise been identified and brought to the attention of the Superintendent would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Superintendent invites interested persons to present statements or arguments regarding alternatives to the proposed regulations at the above-mentioned hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Cecelia Fisher-Dahms, Child Development
Consultant
California Department of Education
Child Development Division
1430 N Street, Room 6308
Sacramento, California 95814-5901
Telephone: (916) 322-4883

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Adoption Coordinator, or to the backup contact person, Pat McGinnis, at (916) 319-0649.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the Superintendent may adopt the proposed regulations substantially as described in this notice. If the Superintendent makes modifications which are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the Superintendent adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The Regulations Adoption Coordinator will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/regulations>.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **February 20, 2003** at 10:00 a.m. in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **February 20, 2003** following the Public Meeting in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes noticed below to occupational safety and health regulations in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **February 20, 2003** following the Public Hearing in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California.

At the Business Meeting, the Board will conduct its monthly business.

The meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on February 20, 2003.

1. TITLE 8: CONSTRUCTION SAFETY ORDERS
Chapter 4, Subchapter 4
Article 29, Section 1712
Hazards Associated with Reinforcing Steel and Other Similar Projections
2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
Article 85, Section 4821(a)
Gas Systems Piping For Welding and Cutting

A description of the proposed changes are as follows:

1. TITLE 8: CONSTRUCTION SAFETY ORDERS
Chapter 4, Subchapter 4
Article 29, Section 1712
Hazards Associated with Reinforcing Steel and Other Similar Projections

INFORMATIVE DIGEST OF PROPOSED
ACTION/POLICY STATEMENT OVERVIEW

This rulemaking action is being initiated based on requests from several sources and recommendations from an advisory committee to address various issues contained in Section 1712, Hazards Associated with the Use of Reinforcing Steel and Other Similar Projections. These issues include: fall protection requirements with respect to point-to-point travel on vertical reinforcing steel (rebar), the use of body protection when carrying and placing (pinking) rebar, adding a reference to requirements pertaining to the specifications, testing criteria and approval of manufactured protective covers, and the lack of clarity with regard to the use of caps as a means of impalement protection.

On May 19, 1997, federal OSHA issued a Standard Interpretation letter regarding fall protection for employees climbing or moving on pre-assembled reinforcing steel assemblies. The letter stated that, "pending future rulemaking, employees could climb or move on both built-in-place and preassembled rebar units without fall protection until they reached their work location or until they reached a fall distance of 24 feet. Over 24 feet, continuous fall protection would be required."

Based on this Standard Interpretation letter, the Occupational Safety and Health Standards Board (Board) received a Cal/OSHA Form 9, Request for New, or Change in Existing, Safety Order, with attachments from the Division of Occupational Safety and Health (Division), dated October 12, 1998, requesting an amendment to the CSO Section 1712(e) "exception" regarding the fall protection requirements for point-to-point travel on vertical reinforcing steel. The proposed amendment would limit point-to-point travel on vertical reinforcing steel without the use of fall protection to 24 feet above a surface providing that there is no impalement hazard. The proposal will render California's regulation consistent with the fed OSHA interpretation letter.

In a memorandum with attachments, dated June 6, 2000, the Division requested that Board staff amend Section 1712(d)(5), which requires that manufactured covers and caps be approved as provided for in Section 1505 and be legibly marked with the manufacturer's

name or logo. Section 1505, "Approvals," defines the term "approved" as used in the CSO. Based on the Division's recommendation, staff proposes to revise the existing text to make it specific to manufactured protective covers made prior to October 1, 2000 and add the requirement that protective covers manufactured on or after October 1, 2000 shall meet the requirements of Section 344.90. Newly promulgated Section 344.90, entitled "Impalement Protection, Specifications and Testing Criteria (See Construction Safety Orders, Title 8, CCR § 1712)", addresses the specifications, testing criteria and approval requirements for newly manufactured protective covers.

In addition, upon further review of Section 1712, Board staff is recommending deleting the definition and all references to "caps" in Section 1712 since existing language implies that caps can be used for impalement protection during at grade work. This language conflicts with the current impalement test criteria for protective covers contained in existing Sections 1712(d)(2) and 344.90. In a Federal OSHA Standard Interpretation letter dated May 9, 1997, fed OSHA clarifies that rebar caps are not to be used as a means of impalement protection. Fed OSHA based their interpretation clarification of 29CFR 1926.701 on studies conducted by the California Division of Occupational Safety and Health (Division).

Lastly, Board staff recommends revising the title of Section 1712 to read, "Reinforcing Steel and Other Similar Projections" to more accurately reflect the contents of Section 1712.

This proposed rulemaking action contains some nonsubstantive and editorial revisions and reformatting of subsections. These nonsubstantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these nonsubstantive revisions, the following actions are proposed:

Section 1712. Hazards Associated with the Use of Reinforcing Steel and Other Similar Projections.

Section 1712 contains requirements that address impalement protection requirements, fall protection requirements, protective device approval, work practices and associated definitions. An amendment is proposed to revise the title of Section 1712 to read, "Reinforcing Steel and Other Similar Projections. The proposed revision will have no effect other than to more accurately reflect the contents of Section 1712.

Section 1712(b) defines caps as "manufactured devices that completely cover the exposed ends of reinforcing steel and have flat or mushroomed surface at least twice the diameter of the reinforcing steel they are designed to cover." Section 1712(c)(1) requires employees working "at grade" and who are exposed to protruding reinforcing steel or other similar

projections to be protected against the hazard of impalement by guarding the exposed ends with protective covers, troughs or caps. Section 1712(c)(3) prohibits the use of caps as impalement protection for employees working above grade or any surface. Section 1712(d)(1) prohibits job-built caps. Section 1712(d)(4) requires that caps are made of rigid molded plastic or similar material and be the proper size for the reinforcing steel being covered. And, Section 1712(d)(5) requires caps to be approved pursuant to Section 1505 and to be legibly marked with the manufacturer's name or logo. An amendment is proposed to delete the definition and all references to caps in Section 1712. The proposed amendment will eliminate the confusion caused by Section 1712(c)(1), which allows caps to be used for impalement protection during "at grade" work, and the definition for "caps" in subsection (b), both of which are inconsistent with the impalement protection requirements contained in existing Section 344.90. The proposed amendment will provide clarity within the regulation and ensure consistency with the aforementioned fed OSHA directive that caps are not to be used as a means of impalement protection.

Existing Section 1712(d)(3) requires that job-built wood protective covers and troughs be constructed of at least "Standard Grade" Douglas Fir, as graded by the Western Lumber Grading Rules 91, handbook, effective September 1, 1991, published by the Western Wood Products Association, which is incorporated by reference into the regulation. It is proposed to update this document to the latest version (1998) and incorporate an additional document by reference, the Standard No. 17 Grading Rules for West Coast Lumber Inspection Bureau, effective September 1, 1991 and revised January 1, 2000, which can be used to meet this requirement. The proposed amendment will have no effect other than to ensure that job-built wood protective covers and troughs are constructed to meet current wood grading requirements consistent with existing industry practice.

Existing Section 1712(d)(5) requires manufactured covers and caps be approved as provided for in Section 1505 and be legibly marked with the manufacturer's name or logo. Referenced Section 1505 contains the definition and criteria for approval. It is proposed to revise the existing text to make it specific to manufactured protective covers made prior to October 1, 2000 and add the requirement that protective covers manufactured on or after October 1, 2000 shall meet the requirements of Section 344.90. The proposed amendment will ensure consistency amongst existing requirements and will update and clarify subsection (d)(5) by referencing the newly promulgated Section 344.90 which outlines the specifications, testing criteria and approval requirements for manu-

factured protective covers made after October 1, 2000 and includes the reference to Section 1505.

Existing Section 1712(e) requires that fall protection, or other method affording equivalent protection from the hazard of falls from elevated surfaces, be worn by employees working on vertical rebar 6 feet above an adjacent surface except for point-to-point horizontal or vertical travel on reinforcing steel. The exception to this fall protection requirement lacks a height limitation in which fall protection must be used. Because fed OSHA interprets their fall protection standard in 29 CFR 1926.501 as requiring continuous fall protection at heights over 24 feet above a surface, an amendment is proposed to revise the exception to Section 1712(e) to permit point-to-point horizontal or vertical travel on reinforcing steel up to 24 feet above the surface below providing there are no impalement hazards. The proposed amendment will have the effect of ensuring that fall protection is worn by rebar workers when moving point-to-point on reinforcing steel at heights exceeding 24 feet, and that point-to-point travel without fall protection is only permitted when no impalement hazard exists. The proposed revision will also ensure that the state's requirement is at least as effective as fed OSHA's interpretation of their own standard.

DOCUMENTS INCORPORATED BY REFERENCE

- Western Lumber Grading Rules 98, handbook, effective March 1, 1998, published by the Western Wood Products Association.
- Standard No. 17 Grading Rules for West Coast Lumber, handbook, effective September 1, 1991 and revised January 1, 2000, published by the West Coast Lumber Inspection Bureau.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the documents by reference. Copies of these documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. See also "Impact on Businesses" above.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a mandate requiring reimbursement by the state pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this regulation does not constitute a "new program or higher level of service of an existing program with the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

The proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation does not in any way require local agencies to administer the California

Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

The proposed regulation does not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to this regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

A description of the proposed changes are as follows:

2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
Article 85, Section 4821(a)
Gas Systems Piping For Welding and Cutting

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking action is being initiated by the Occupational Safety and Health Standards Board staff to update an outdated National Code reference in Section 4821(a) of the General Industry Safety Orders.

Existing Section 4821 addresses the material and design requirements for gas systems piping for welding and cutting. A revision is proposed to update and incorporate by reference the American National Standard Code referenced in Section 4821(a). The existing reference, “Section 2, Industrial Gas and Air Piping Systems of the American National Standard Code for Pressure Piping ANSI B31.1.1983”, was not corrected in a previous rulemaking. The proposed revision will correct this reference to read, “Chapters 1 through 4 of the American National Standard Code for Pressure Piping, ASME B31.1 2001, Power Piping.” Incorporating the latest edition of this document by reference will ensure current national standards are met. The proposed revision will have no effect on the regulated public since only minor,

nonsubstantial revisions have been made to ASME B31.1 since 1983 and the regulated public is already required to adhere to these 1983 requirements referenced in existing Section 4821(a).

Section 4821. Gas Systems Piping for Welding and Cutting, Materials and Design.

Existing Section 4821(a) requires piping and fittings for gas systems used in welding and cutting operations to comply with Section 2, Industrial Gas and Air Piping Systems of the American National Standard Code for Pressure Piping ANSI B31.1.1983, insofar as it does not conflict with subsections (b) and (c). Subsection (b) requires piping to be at least Schedule 40 and fittings to be at least standard weight in sizes up to and including 6-inch nominal. And subsection (c) states that copper tubing shall be Types K or L in accordance with the Standard Specification for Seamless Copper Water Tube, ASTM B88-96, which is hereby incorporated by reference.

A revision is proposed to update and incorporate by reference the American National Standard Code referenced in Section 4821(a) to read, “Chapters 1 through 4 of the American National Standard Code for Pressure Piping, ASME B31.1 2001, Power Piping.” The proposed revision will ensure current national standards are met and will have no effect on the regulated public since only minor, nonsubstantial revisions have been made to ASME B31.1 since 1983.

DOCUMENTS INCORPORATED BY REFERENCE

- Chapters 1 through 4 of the American National Standard Code for Pressure Piping, ASME B31.1, Power Piping, 2001 Edition.

This document is too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate this document by reference. A copy of this document is available for review Monday through Friday from 8:00 a.m. to 5:00 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

COST ESTIMATES OF PROPOSED ACTION **Cost or Savings to State Agencies**

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Saving Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has made an initial determination that this proposal may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The above proposals do not contain building standards as defined by Health and Safety Code Section 18909.

A copy of the proposed changes in STRIKEOUT/ UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than February 14, 2003. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on February 20, 2003 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@hq.dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday

through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to John D. MacLeod, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 710.7, 711, 8591, and 8842 of the Fish and Game Code and to implement, interpret or make specific sections 710.7, 711, 8140, 8590, 8591, 8593, 8595, and 8842, of said Code, proposes to amend Section 120.3 and add Section 120.45, Title 14, California Code of Regulations, relating to spot prawn trawling.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The spot prawn trawl fishery is open-access and is closed from November 1 through January 31 statewide. The Commission took action on December 20, 2002 to increase the closed season to six months, from September 1 through the last day in February. The Department's report, *Results of California Department of Fish and Game Spot Prawn Trawl and Trap Fisheries Observer Program 2000-2001*, estimated a total bycatch in the trawl fishery of 5 tons of bocaccio, 1.2 tons of cowcod, and 6.5 tons of darkblotched rockfish in a one-year period. This level of bycatch of these overfished rockfish species is considered unacceptable.

The Commission is considering the following regulatory options, individually or in combination, for implementation by March 1, 2003, the reopening of the spot prawn trawl season:

- a moratorium on the issuance of new spot, ridgeback, and golden prawn trawl permits (these species are combined under a single permit);
- a requirement that all spot prawn trawl vessels participate in a contract observer program;
- a prohibition on the use of trawl nets to take spot prawn;
- a prohibition on the use of trawl nets to take spot prawn with the allowance of a conversion to trap fishing, subject to certain minimum landing requirements from the trawl fishery during the 1997 to 1999 window period;
- the establishment of a minimum depth restriction for spot prawn trawling south and north of Point Reyes at 150 fathoms and 250 fathoms, respectively;
- a requirement that all spot prawn trawl vessels use small roller gear (8-inch diameter or smaller) and/or hard grate excluders in their nets;
- the establishment of a seven, eight, nine or ten-month closed season for spot prawn trawling that includes as a minimum the months of November through the end of February; and
- a requirement that all spot prawn trawl vessels be equipped with a vessel monitoring system when the federal government has an operational monitoring program.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action, at a teleconference hearing to be held at the Resources Building, Room 1320, 1416 Ninth Street, Sacramento, CA, on February 18, 2003, at 10 a.m., or as soon thereafter as the matter may be heard. The meeting will be audible to the public from the Commission office and the interested public is encouraged to attend at this location. It is requested, but not required, that written comments be submitted on or before February 11, 2003 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than February 18, 2003, at the hearing in Sacramento, CA. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Sherrie Koell at the preceding address or phone number. Kristine Barsky, Marine Region, Department of Fish and Game, phone

(805) 985-3114, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm/.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

Each spot prawn trawler or buyer is considered a business. Spot prawn are landed either live or dead, but the live product demands a much greater price and is the preferred method of landing. In 2000 and 2001, 39 and 43 trawl vessels, respectively, landed spot prawn in California. Of those vessels, 22 and 21, respectively, landed more than 1,000 pounds of spot prawn at an average price of \$7.00/ pound (live). The estimated ex-vessel value of the spot prawn trawl fishery was \$1.4 million in 2001. The estimated loss to the fishery participants from a September-October closure alone was \$0.4 million based on the ex-vessel value of spot prawn and seasonal trends in catch and effort. In addition to losses incurred by fishermen due to their inability to provide their product, California buyers, processors and consumers will suffer additional losses which are not easily quantified. In recent years, a number of these vessels have also participated in other state-managed trawl fisheries for pink shrimp, California halibut, ridgeback prawn, and sea cucumber (the trawl fisheries). Although pink shrimp and sea cucumber are restricted access fisheries, the other two are open access. It is anticipated that a number of the

affected spot prawn vessels would resume participation or participate more actively in these other fisheries if a prohibition on trawling went into effect. Increased participation in the other state-managed trawl fisheries would likely have a negative impact of unknown degree on the halibut and ridgeback trawl fisheries, and to a lesser degree pink shrimp and sea cucumbers. These fisheries are already fully exploited and additional effort will cause decreased success in the remaining trawl fisheries.

A vessel is a significant liability to the owner when it is not being used to fish. There are always berthing and maintenance fees. There is no resale value on a trawl vessel that can no longer be used to fish. Therefore cashing out is not an option for a fisherman with a trawl vessel and no permit guaranteeing a place in an existing fishery.

Conversion of trawl vessels to trap vessels would have a negative effect on the existing trap fishery participants and would also result in reduced income to the fishermen converting to a new gear type. The initial investment for each trap and associated rigging could run \$35 to \$75 per trap.

As opposed to a complete prohibition on spot prawn trawl activity, a depth closure would allow the larger trawl vessels (approximately 50 feet in length or greater), the ones that usually make the largest landings, to continue to operate, although on a limited basis. Results from the bycatch observer study showed that approximately 90 percent of all observed trawl tows occurred in water less than 150 fathoms deep. Small trawl vessels can not operate beyond the depth closure because of size, power and stability limitations.

A moratorium on new permits is not expected to have negative impacts on business. However, a contract observer program would be costly for such a small fleet of vessels. Contract observers can easily cost from \$300 to \$500 a day. A portion of the fleet would not be able to operate with the additional cost of such an observer program.

The gear restrictions being proposed might result in a reduced take of spot prawn. However, fish bycatch in the net is detrimental to the prawns, so there could also be a positive effect that offsets any shrimp loss. There would be an initial investment to convert to a small footrope and/or install a hard grate excluder that would be difficult to quantify, although it is not expected to be prohibitive.

A seven, eight, nine or ten-month closed season would have a detrimental effect on trawl participants. The amount of income each trawl fisherman would lose during an additional closure is not

quantifiable, but could make the fishery economically unviable for some participants, especially those with smaller vessels.

A vessel monitoring system, depending on the model selected, would range in cost between \$1700 and \$2700. This would be a one-time cost that would be amortized over time.

The Commission has made an initial determination that the adoption and amendment of these regulations may have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The Commission has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit alternative proposals. Submissions may include the following considerations:

- (i) the establishment of differing compliance or reporting requirements or timetables which take into account the resources available to businesses;
 - (ii) consolidation or simplification of compliance and reporting requirements for businesses;
 - (iii) the use of performance standards rather than prescriptive standards; or
 - (iv) exemption or partial exemption from the regulatory requirements for business.
- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:
See section (a) above.
- (c) Cost Impacts on a Representative Private Person or Business:
See section (a) above.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 22. EMPLOYMENT DEVELOPMENT DEPARTMENT

Amendment of Title 22, California Code of Regulations, Sections 1256-9, 1253.12-1 and 1030(a)-1

DOMESTIC PARTNERS Notice of Proposed Rulemaking

The Employment Development Department (Department) proposes to amend Sections 1256-9, 1253.12-1 and 1030(a)-1, Title 22 of the California Code of Regulations (CCR), on an emergency basis.

The Department will adopt these amendments after considering all comments, objections, or recommendations regarding the proposed action.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Article 1. Eligibility and Disqualifications (commencing with Section 1256) of Chapter 5 of Part 1 of the Unemployment Insurance Code (hereinafter, Code) states an individual is disqualified from receiving unemployment insurance (UI) benefits if he or she quits his or her most recent work without good cause. The Code also provides for payment of UI benefits to an individual who leaves his or her most recent work to accompany his or her spouse or imminent spouse to a place where it is impractical to commute.

Article 1. Eligibility and Disqualifications (commencing with Section 1253) of Chapter 5 of Part 1 of the Code states an unemployed individual is eligible to receive UI benefits only if he or she is able and available for work during each week UI benefits are being claimed. Section 1253.12 provides that an individual who is otherwise eligible for UI benefits, shall not be disqualified from receiving benefits if the individual is unavailable for two working days during a week because of a death in his or her immediate family in the state in which the individual resides. If a death occurs in an individual's immediate family outside of the state where the individual resides, UI benefits shall not be denied if he or she is unavailable for four working days during the week.

Article 4. Reserve Accounts (commencing with Section 1030(a)) of Chapter 4 of Part 1 of the Code provides that any employer entitled under Section 1327 to receive notice of the filing of a new or additional claim may, within 10 days of the mailing of the notice, submit to the Department any facts pertaining to when an individual leaves his or her job to accompany or join his or her spouse at a place where it is impractical to commute and a transfer by the employer is not available. Section 1030(b) provides any base period employer not entitled under Section 1327 to receive notice of the filing of a new or additional claim and is entitled under Section 1329 to receive notice of computation may, within 15 days after the mailing of the notice, submit to the Department any facts pertaining to when an individual leaves his or her job to accompany or join his or her spouse at a place where it is impractical to commute and a transfer by the employer is not available.

Article 4. Reserve Accounts (commencing with Section 1032) provides that when a last or base period employer submits timely information when an individual leaves his or her employment to accompany or join his or her spouse at a place from which it is impractical to commute to the employment and a transfer by the employer is not available, the employer's reserve account will not be charged.

Assembly Bill 25 (AB 25) approved by the Governor on October 14, 2001, and effective January 1, 2002, amends Sections 1256, 1030 and 1032 of the Code to give *domestic partners* the same rights as an individual's spouse when an individual quits to maintain family unity. AB 25 provides that when an individual quits his or her employment to accompany or join his or her spouse or *domestic partner* to a place where it is impractical to commute and a transfer by the employer is not available, UI benefits shall not be denied. AB 25 amends Section 1030 by adding that a last or base period employer may submit facts to the Department when an individual leaves his or her job to accompany or join a spouse or *domestic partner* to a place where it is impractical to commute and a transfer by the employer is not possible. Section 1032 was amended to state employers responding to the Department in a timely manner will not have their reserve account charged when an individual quits to join or accompany his or her spouse or *domestic partner*.

AB 25 defines and amends the definition of a *domestic partner* in Section 297 of the California Family Code and applies this definition to the Code. To qualify as a *domestic partner* as defined in Family Code Section 297, the partners must be registered with the California Secretary of State if meeting certain criteria. However, AB 25 did not amend the Code to include the defining word "registered" when referring

to *domestic partners*. Thus, the Department's regulations need to be amended to add the word "registered" in all references to *domestic partners*. By doing so, the public will be aware that as a result of AB 25, changes in the UI program apply only to *registered domestic partners*.

Since AB 25 has given *registered domestic partners* the same rights as a spouse, the same spousal rights apply in all circumstances regarding *domestic partners* or a *domestic partner's* family within the UI program. Consequently, all Department regulations defining an individual's "family" need to be amended to include *registered domestic partners*. By making the necessary amendments, the public will be notified how the Department will implement and apply the AB 25 changes within the UI program.

The Department must ensure the proper payment of UI benefits and charges to employers' accounts. By amending the Department's regulations, the public peace, health and general welfare are protected.

AUTHORITY AND REFERENCE

Authority: Sections 305 and 306, Unemployment Insurance Code.

Reference: Sections 1256, 1253, 1253.12, 1030 and 1032.

FISCAL IMPACT

Anticipated costs or savings in federal funding to the State: None

Anticipated costs or savings to any State Agency: None

Anticipated costs or savings to any local agency or school district: None

Significant statewide adverse economic impact: The Department does not anticipate this regulatory action will result in any costs to the federal government, to State government, to local county governments, to private individuals, or to businesses and small businesses. Thus, no costs were shown on the Economic and Fiscal Impact Statement.

The Department has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The Department has determined that the proposed amendments will not affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

The costs impact on representative persons or businesses: The Department is not aware of any cost impacts that a representative private person or

business would necessarily incur in reasonable compliance with the proposed action.

Anticipated impact on housing costs: These proposed amendments will have no effect on housing costs.

Anticipated nondiscretionary costs or savings imposed upon local agencies: None

SMALL BUSINESS IMPACT

These proposed amendments will have no affect on small businesses because it does not impose any new mandates on small businesses. It does not require that small businesses take any action or refrain from taking any action in regards to conducting business.

LOCAL MANDATE DETERMINATION

The Department has determined that these proposed amendments will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with Section 17500), Division 4 or the Government Code.

CONSIDERATION OF ALTERNATIVES

In accordance with Section 11346.5(a)(13) of the Government Code, the Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory amendments.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Laura Colozzi via U.S. mail, e-mail, or fax (see U.S. mail and e-mail addresses and fax number indicated below). E-mail comments must include true name and mailing address of the commentor. **Written comments submitted via U.S. mail, e-mail, or fax, must be received by the Department no later than February 17, 2003, at 5 p.m.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period.

CONTACT PERSONS

Inquiries or comments should be directed to:

Name: Laura Colozzi
Employment Development
Department
Street address: 800 Capitol Mall, Room 5020
Legal Office, MIC 53
Sacramento, CA 95814

Mailing address: P. O. Box 826880
Legal Office, MIC 53
Sacramento, CA 94280-0001

Telephone No.: (916) 654-7712

Fax No.: (916) 654-9069

E-Mail Address: eddlegal@edd.ca.gov

Note: In the event Laura Colozzi is unavailable, inquiries should be directed to the following backup contact persons at the same address as noted above:

Name: Penny Ayers

Telephone No.: (916) 654-8410

Questions regarding the substance of the proposed regulatory action should be directed to:

Name: Richard A. Stevens

Telephone No.: (916) 654-8410

INTERNET WEBSITE ACCESS

The Department has posted on its Internet website <http://www.edd.ca.gov> materials regarding the proposed regulatory action. Select "Proposed EDD Regulations."

PUBLIC HEARING

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Department will schedule a public hearing upon that person's written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is 5 p.m. on February 17, 2003.** A request for hearing can be made by contacting the persons noted above.

MODIFICATION OF PROPOSED ACTION

If the Department makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is scheduled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

FINAL STATEMENT OF REASONS

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

FURTHER INFORMATION

The Department has prepared and has available for review, upon request, the text of the proposed regulatory amendments discussed in this notice, written in plain English; a statement of reasons setting forth the purpose of the amendments; and the information upon which the Department relied in proposing the amendments. (If you received this notice by mail, a copy of the text of the proposed amendments and the statement of reasons were enclosed.) To obtain a copy, contact the persons noted above, or access the Department's Internet website at <http://www.edd.ca.gov>.

All the information upon which the proposed amendments are based is contained in the rulemaking file, which is available for public review. For inquiries regarding the rulemaking file or the regulations' process, contact the persons noted above.

TITLE 22. EMPLOYMENT TRAINING PANEL

NOTICE OF PROPOSED RULEMAKING

The Employment Training Panel ("Panel") plans to formally adopt the emergency regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PUBLIC HEARING

The Panel has not scheduled a public hearing on this proposed action. However, the Panel will hold a hearing on February 17, 2003, at the Panel's Sacramento Central office, if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or authorized representative, may submit written comments to the Panel relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on February 17, 2003. All comments must be submitted in writing (by mail, fax or e-mail) and received by that time at the Panel's office. Submit comments to:

Deanna Fong
Employment Training Panel
1100 J Street, 4th Floor
Sacramento, CA 95814
E-mail: Dfong@etp.ca.gov
FAX (916) 327-5270

PROPOSED REGULATORY ACTION

The Panel proposes to formally adopt section 4407.1, Small Business Owners, in Title 22 of the California Code of Regulations. The Office of

Administrative Law (OAL) approved this regulatory action as an emergency on November 18, 2002. This section also became effective on November 18, 2002.

Unemployment Insurance Code, section 10205(m) directs the Panel to adopt by regulation procedures for the conduct of Panel business, including the scheduling and conduct of meetings, the review of proposals, the disclosure of contacts between Panel members and parties at interest concerning particular proposals, contracts or cases before the Panel or its staff, the awarding of contracts, the administration of contracts, and the payment of amounts due to contractors.

The Panel proposes to adopt section 4407.1 to permit the owners of small businesses participating in the Panel's Small Business Pilot Project to take part in the training with his/her employees. The Small Business Pilot Project is the Panel's pilot project to test an expedited application and contract development process designed to allow a greater number of small businesses with 100 or fewer employees to participate in Panel-funded training.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law states that the purpose of the Panel's enabling legislation is to establish a strategically designed employment training program to promote a healthy labor market in a growing, competitive economy. This employment training program shall foster job creation, minimize employer unemployment insurance costs, and meet the need for skilled workers by providing skills training to those who have remained unemployed, and to potentially displaced workers who would otherwise become unemployment insurance recipients.

It is further the intent of the Legislature that training funded pursuant to these statutory sections and existing regulations make a substantial contribution to the long-term job security of the trainees, and that all training funded through this program result in full-time employment for those successfully completing the training.

Unemployment Insurance Code, section 10205(m) authorizes the Panel to adopt regulations which implement, interpret or make specific section 10200 et seq. of the Unemployment Insurance Code.

On November 18, 2002, OAL approved the following changes as an emergency regulatory action:

Existing regulation specifies that the Panel can only fund training for owners of small businesses with less than 10 employees in projects under the Special Employment Training category. The proposed regulation would allow the Panel to fund training for the owners of small businesses with 100 or less employees under the Small Business Pilot Project.

EFFECT OF PROPOSED ACTION

The proposed regulatory action would implement and make specific the Unemployment Insurance Code sections governing operation of the Panel. The Panel program is designed to provide funds for training the California workforce in the skills necessary for California businesses to remain viable and compete in both the national and global economies, while providing workers with good wages and secure employment. The proposed regulatory action is promulgated to assist the Panel in complying with the legislative priorities of the program. This proposed regulatory action would help ensure that training funds are used to effectively train workers of small businesses.

ASSESSMENT STATEMENT

The proposed action also has been assessed relative to the extent which it will create new jobs within the State of California, the creation of new business within the State, and the expansion of businesses currently doing business within the State of California. The intent and purpose of the Panel program are to foster job creation, foster retention of high-wage, high-skilled jobs that are threatened by out-of-state competition, train new employees of firms locating or expanding in the state, train displaced workers and develop workers with skills that prepare them for the challenges of a high performance workplace of the future.

The Panel Strategic Plan 2002–2003 was utilized as evidence of the effect which the Panel program will have on these factors. It is anticipated that the proposed action will also have a beneficial effect on creation of new jobs and new business within the State, as well as expansion of businesses currently doing business within the State of California. In Fiscal Year 2001–02, the Panel committed all of its available training funds. The Panel also allocates funds for economic development to prevent companies from leaving the state, or to strengthen businesses that are expanding or relocating in California. Pursuant to ICCR 4, the Panel has determined that the proposed regulatory action may affect small businesses as defined in this section.

AUTHORITY AND REFERENCE

Unemployment Insurance Code, section 10205(m) authorizes the Panel to promulgate the proposed regulations, which will implement, interpret or make specific sections 10200, 10201, and 10203, as follows:

Unemployment Insurance Code section 10200 authorizes the Panel to fund only projects that meet specific criteria.

Unemployment Insurance Code section 10201 provides definitions of terms used in the chapter.

Unemployment Insurance Code section 10203 specifies that the executive director will designate staff in each of the field offices to develop projects for small businesses and expedite the processing of training proposals from small businesses.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESSES**

The Panel has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact on directly affected businesses, including the ability of California businesses to compete with businesses in other states.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES**

The Panel has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. The Panel is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

LOCAL MANDATE DETERMINATION

The Panel has determined that the proposed regulatory action does not impose any mandate on local agencies or school districts. The Panel has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action. Furthermore, the Panel has determined that the proposed regulatory action does not impose costs on any local agency or school district which must be reimbursed in accordance with Government Code section 17561.

COST OR SAVINGS TO STATE AGENCIES

The Panel has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

**EFFECT ON FEDERAL FUNDING
TO THE STATE**

The Panel has determined that the proposed regulatory action results in no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Panel has made an initial determination that the adoption of this regulation will have no significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The Panel must determine that no reasonable alternative considered by it, or that has otherwise been identified and brought to the attention of the Panel, would be more effective in carrying out the purpose

for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed regulatory action. The Panel invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the hearing, if requested, or during the written comment period.

CONTACT PERSONS

Requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based should be directed to:

Lisa Douglas
Employment Training Panel
1100 J Street, Fourth Floor
Sacramento, California 95814
Telephone: (916) 327-5263

In the event the contact person is unavailable, inquiries regarding the proposed regulatory action should be directed to the following backup contact person:

Deanna Fong
Employment Training Panel
1100 J Street, 4th Floor
Sacramento, CA 95814
Telephone: (916) 327-5422

Inquiries concerning the substance of the proposed action may be directed to Deanna Fong at the address and phone number specified above.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Panel will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its Sacramento central office, as specified herein. Additionally, this notice of proposed action, the initial statement of reasons, and the proposed text of the regulation are also available on the Panel's Internet Home Page (<http://www.etp.ca.gov>). As of the date this notice is published in the Notice Register, the rulemaking file consists of: (1) this notice, (2) the proposed text of the regulation, (3) the initial statement of reasons, and (4) the Panel Strategic Plan 2002–2003. Copies may be obtained by contacting Lisa Douglas at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the public hearing, if requested, and considering all timely and relevant comments received, the Panel may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with

changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the Panel adopts the regulation. Requests for copies of the modified regulation, if any, should be sent to the attention of Lisa Douglas at the address indicated above. The Panel will accept written comments on the modified regulation for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on the Panel's Internet Home Page (<http://www.etp.ca.gov>).

TITLE 28. DEPARTMENT OF MANAGED HEALTH CARE

NOTICE OF INTENT TO ADOPT REGULATIONS REGARDING DATA COLLECTION AND DISCLOSURE LANGUAGE FOR RISK-BEARING ORGANIZATIONS

Amending sections 1300.75.4, and Adopting sections 1300.75.4.2 and 1300.75.4.4

NOTICE IS HEREBY GIVEN

The Director of the Department of Managed Health Care (Director) proposes to amend and adopt regulations under the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act) relating to data collection and disclosure language for risk-bearing organizations as referred to in section 1375.4 of the Health and Safety Code, by amending section 1300.75.4 and adopting sections 1300.75.4.2 and 1300.75.4.4 in title 28, California Code of Regulations (Regulations). Before undertaking the action, the Director will consider all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to section 11346.8(a) of the Government Code. The request for hearing must be received by the Department of Managed Care's (Department) contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD/ CONTACT PERSON

Notice is also given that any interested person or such person's duly authorized representative may present statements or arguments relevant to the action

described in this notice. Any written statements, arguments, or contentions must be received by the Department of Managed Health Care, ATTN: Ms. Lyn Amor M. Macaraeg, Legal Analyst, 980 9th Street, Suite 500, Sacramento, CA 95814, by 5 p.m. on **February 17, 2003**. The Department hereby designates 5:00 p.m. February 17, 2003, as the close of the written comment period. It is requested but not required that written statements, arguments or contentions sent by mail, other delivery service, or hand-delivered be submitted in triplicate.

Comments by FAX (to Ms. Lyn Amor M. Macaraeg, at fax 916/324-6459) or by e-mail (to Ms. Lyn Amor M. Macaraeg at the following e-mail address: geninfo@dmhc.ca.gov) must be received before 5:00 p.m. on the last day of the public comment period (February 17, 2003). All comments, including e-mail or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under the Knox-Keene Act, plans must have the administrative and financial capacity to meet their contractual obligations for provision of health care services. During the twenty-five year period since the Knox-Keene Act was enacted, the financial risk of providing health care services has largely shifted from the plans to physician organizations such as medical groups, independent practice associations, and medical foundations. These physician organizations (referred to as risk-bearing organizations) contract with the plans, and often assume most of the financial risk once borne by the plans. The Knox-Keene Act includes standards and requirements to ensure that the plans have the administrative and financial capacity to meet their contractual obligations. However, the Knox-Keene Act did not, until recently, specify the types of standards and requirements necessary to ensure that a risk-bearing organization ("organization") has the administrative and financial capacity to meet its contractual obligations for provision of health care services.

Senate Bill 260 (Chapter 529, Stats. 1999) added Health and Safety Code Section ("Section")¹ 1375.4 to impose minimum financial solvency requirements on the organizations. Section 1375.4(a) requires every contract between a plan and an organization that is issued, amended, renewed, or delivered in the state on or after July 1, 2000, to include a requirement that the

organization furnish financial information to the plan or the plan's designated agent, and meet other financial requirements, as specified; and a requirement that the plan disclose information to the organization that enables the organization to be informed about the financial risk assumed under the contract.

To make specific these contracting requirements, Section 1375.4(b) requires the Director of the Department of Managed Health Care to adopt regulations which shall, at a minimum, provide for the following:

- (1) a process for reviewing or grading organizations based on four specified criteria relating to timely claims resolution, appropriate accounting for "incurred but not reported" (IBNR) claims, positive tangible net equity (TNE), and positive working capital.
- (2) submission by the organizations of information to assist in reviewing or grading these organizations, to include balance sheets, claims reports, financial statements, etc.;
- (3) audits to be conducted in accordance with generally accepted auditing standards, and in a manner that avoids duplication of review of the organizations;
- (4) a process for corrective action plans involving plans and organizations, as specified;
- (5) the disclosure of information by plans to organizations, including enrollee information on a monthly basis, and risk arrangement information on a quarterly basis;
- (6) periodic reports from plans to the Director including information concerning the organizations and the type and amount of financial risk assumed by them; and
- (7) the confidentiality of financial and other records to be produced, disclosed, or otherwise made available, unless determined otherwise by the Director.

On March 22, 2001, the Department filed, as emergency regulations, Sections 1300.75.4, 1300.75.4.1, 1300.75.4.2, 1300.75.4.3, 1300.75.4.4, 1300.75.4.5 and 1300.75.6. The certificate of compliance for the emergency regulations was transmitted to the Office of Administrative Law on July 20, 2001 and filed August 31, 2001.

After the emergency regulations became permanent, the California Medical Association successfully challenged Regulations 1300.75.4.2 and 1300.75.4.4 in Sacramento County Superior Court under caption *California Medical Association v. Daniel Zingale, Director Department of Managed Health Care, et al*, Case No. 01CS01265. On February 28, 2002, the trial court determined that the promulgation of the Regulations 1300.75.4.2 and 1300.75.4.4 was arbitrary and capricious because there appeared to be no evidence in

¹ Unless otherwise specified, all references to "Section" are to sections of the California Health and Safety Code.

the rulemaking record that the Department's collection and disclosure of risk-bearing organization financial information would not "adversely affect the integrity of the contract negotiation process between health care service plans and risk-bearing organizations." The final order memorializing the court ruling was entered May 16, 2002.

On May 23, 2002, the Department filed a non-substantive repeal of Regulations 1300.75.4.2 and 1300.75.4.4, pursuant to section 100 of Title 1, California Code of Regulations, to formally repeal the stricken regulations. The Office of Administrative Law approved the repeal of these Regulations 1375.4.2 and 1300.75.4.4 on July 8, 2002 effective August 7, 2002.

This regulatory action proposes to amend Regulation 1300.75.4 and add "revised" Regulations 1300.75.4.2 and 1300.75.4.4 of Title 28 of the California Code of Regulations, to conform to the trial court's ruling and to clarify and make specific requirements 2, 3, and 7, listed above. Items 5 and 6 were addressed in the regulations 1300.75.4, 1300.75.4.1, 1300.75.4.3, 1300.75.4 .5, and 1300.75.4.6 which have not been challenged. In the future, regulations will be developed to clarify and make specific requirements 1 and 4, listed above.

AUTHORITY

Health and Safety Code Sections 1344 and 1375.4

REFERENCE

Health and Safety Code Section 1375.4

AVAILABILITY OF MODIFIED TEXT

The text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the Regulations. A request for a copy of any modified regulation(s) should be addressed to the contact person designated below. The Director will accept written, faxed or e-mailed comments on the modified regulation(s) for 15 days after the date on which they are made available. The Director may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION(S)

The express terms of the proposed action may be obtained upon request from the Office of Legal Services, Department of Managed Health Care. A statement of reasons for the proposed action containing all the information upon which the proposal is based is available from the contact person designated below. As required by the Administrative Procedure Act, the Office of Legal Services maintains the

rulemaking file. At the present time, the rulemaking file consists of the text of the regulation, the initial statement of reasons, and the notice. The rulemaking file is available for public inspection at the Department of Managed Health Care, Office of Legal Services, 980 Ninth Street, Suite 500, Sacramento, California, 95814.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout may be accessed at the Department's website at

<http://www.dmhc.ca.gov/library/regulations/>.

ALTERNATIVES CONSIDERED

Pursuant to Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified or brought to its attention would be more effective in carrying out the purpose for which the above action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the public comment period.

FISCAL IMPACT

- Mandate on local agencies and school districts: None.
- Cost or Savings to any State Agency: None.
- Direct or Indirect Costs or Savings in Federal Funding to the State: None.
- Cost to Local Agencies and School Districts Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Costs to private persons or businesses directly affected: The DMHC has initially determined that the proposed regulations could result in unknown, modest costs to risk-bearing physician organizations. These costs are related to modifications of financial and other data reporting systems, as well as the preparation of audited or reviewed financial statements by risk-bearing physician organizations.
- Effect on Housing Costs: None.
- Other non-discretionary cost or savings imposed upon local agencies: None.

DETERMINATIONS

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Since the regulations apply to all risk-bearing physician organizations doing business in this State, they should not result in any competitive disadvantage to any particular physician organization. Physician organizations are not generally in competition with similar organizations in other states.

The Department has made a determination that the regulations affect small businesses, since some of the entities required to comply with the regulations are small businesses. The express terms of the proposed action written in plain English are available from the agency contact person named in this notice. Copies may also be obtained from the Department's Sacramento office upon request.

The Department has determined that the regulations will not significantly affect the creation or elimination of jobs within the State of California.

The Department has determined that the regulations will not significantly affect the creation of new businesses or the elimination of existing businesses within the State of California.

The Department has determined that the regulations will not significantly affect the expansion of businesses currently doing business within the State of California.

FINDING RE: REPORTING REQUIREMENT (GOVERNMENT CODE SECTION 11346.3(C))

Government Code Section 11346.3(c) provides as follows:

"No administrative regulation adopted on or after January 1, 1993, that requires a report shall apply to businesses, unless the state agency adopting the regulation makes a finding that it is necessary for the health, safety, or welfare of the people of the state that the regulation apply to businesses."

All reporting requirements included in these regulations do apply to businesses, because the Department of Managed Health Care has determined that the regulations are necessary to maintain the health, safety, and general welfare of the people of California and are mandated by statute.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the final statement of reasons may be obtained through the contact person(s) designated below.

CONTACT PERSON

Comments or substantive inquiries concerning these proposed regulation changes may be directed to Curtis Leavitt, Assistant Chief Counsel, Office of Legal Services, Department of Managed Health Care, 980 Ninth Street, Suite 500, Sacramento, California 95814. Mr. Leavitt may be contacted at (916) 322-6727. The backup contact person is Lyn Amor Macaraeg, Legal Analyst, Department of Managed Health Care, Office of Legal Services, 980 Ninth Street, Suite 500, Sacramento, California 95814. Ms. Macaraeg may be contacted at (916) 322-6727.

GENERAL PUBLIC INTEREST

BUILDING STANDARDS COMMISSION

NOTICE OF PUBLIC HEARING

PROPOSED BUILDING STANDARDS TO CALIFORNIA CODE OF REGULATIONS, TITLE 24, CALIFORNIA BUILDING STANDARDS CODE

Pursuant to Government Code Section 11346.5(a)17, the California Building Standards Commission (CBSC) has set the time and place for a public hearing to receive written and/or oral comments from interested persons regarding changes to the California Building Standards Code being proposed by CBSC, Department of Housing and Community Development, Division of the State Architect, Office of Statewide Health Planning and Development, and the Office of the State Fire Marshal for incorporation in California Code of Regulations, Title 24, Parts 1, 2, 3, 4, 5, and 9, as follows:

DATE/TIME: January 13, 2003, at 10:00 A.M., PST

PLACE: First Floor Hearing Room
Consumer Affairs Building
400 R Street, Sacramento, CA 95814

At the hearing, both oral and written comments will be accepted regarding the Notice of Proposed Action published in the California Regulatory Notice Register (Register 2002, No. 46-Z) on November 15, 2002. Written comments will be accepted until 5:00 p.m. on January 13, 2003. Please address written comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833
Attention: Thomas L. Morrison
Deputy Executive Director

Should you have any questions regarding this notice, please contact Mr. Morrison at (916) 263-0916.

The hearing facilities and restrooms are accessible to persons with disabilities. Requests for accommodations such as an assistive listening device, a sign language interpreter, etc., should be made to CBSC no later than 10 working days prior to the day of the hearing. If Para transit services are needed, they may be contacted at (916) 429-2744. Their TDD line is (916) 429-2568. The Sacramento Regional Transit bus line and light rail information is (916) 321-2877 and TDD line is (916) 483-4327.

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into the State contracts. The prospective contractors signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contracts in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P. O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P. O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians &
Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P. O. Box 925
Middletown, CA 95461

DEPARTMENT OF INDUSTRIAL RELATIONS

NOTICE OF AVAILABILITY OF THE DEPARTMENT OF INDUSTRIAL RELATIONS' INDEX OF SIGNIFICANT LEGAL AND POLICY DETERMINATIONS CONTAINED IN ITS PUBLIC WORKS COVERAGE PRECEDENTIAL DECISIONS

Cal. Code Regs., Title 2 § 619.7
Gov. Code § 11425.60 (c)

PLEASE TAKE NOTICE that the Department of Industrial Relations' Index of Significant Legal and Policy Determinations Contained in its Public Works Coverage Precedential Decisions is available for purchase.

You may obtain a copy by either calling or writing to:

Maria Y. Robbins, Deputy Chief
Division of Labor Statistics & Research
Department of Industrial Relations
455 Golden Gate Avenue, 8th Floor
San Francisco, CA 94102
Phone No: (415) 703-4780
Fax No: (415) 703-4771

This notice is being published pursuant to Title 2, California Code of Regulations, section 619.7, and California Government Code section 11425.60 (c).

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

NOTICE TO INTERESTED PARTIES

**NOTICE OF PUBLIC COMMENT PERIOD ON
TOXIC AIR CONTAMINANTS PROGRAM—
PROPOSAL FOR THE ADOPTION OF THE
REVISED TOXICITY EQUIVALENCY FACTOR
(TEF_{WHO-97}) SCHEME**

The Office of Environmental Health Hazard Assessment (OEHHA) is releasing a draft document, *Proposal for the Adoption of the Revised Toxicity Equivalency Factor (TEF_{WHO-97}) Scheme* to solicit public comment. This draft document has been developed by OEHHA for use in implementing the programs for Toxic Air Contaminants (Health and Safety Code Section 39650 et seq.) and Air Toxics Hot Spots (Health and Safety Code Section 44300 et seq.).

Chlorinated dioxin—like compounds are widespread and persistent environmental contaminants, emitted by various combustion processes, which are suspected of causing cancer and other adverse health impacts. In 1986, the California Air Resources Board identified chlorinated dibenzo-p-dioxins and dibenzofurans as toxic air contaminants, and OEHHA determined a cancer potency value for 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD). The cancer potency for other dioxin-like congeners varies according to their chemical structure. Toxicity Equivalency Factors (TEFs) are numerical factors that express the toxicity of an individual dioxin-like compound relative to the toxicity of TCDD. The original International TEFs were developed by a group of scientists convened by the World Health Organization (WHO). These are used in the Air Toxics Hot Spots Program to evaluate the cancer risk due to exposure to mixtures of chlorinated dibenzo-p-dioxins and dibenzofurans. More recently, WHO has sponsored revisions of the original TEF table, in order to reflect new data and improved understanding of the nature and mechanisms of toxicity of dioxin-like compounds. Chlorinated dioxins and dibenzofurans were recently identified as priority chemicals for evaluation of their impact on children's health under the Children's Environmental Health Protection Act (SB25, 1999).

OEHHA proposes that the revised version of the TEF scheme (TEF_{WHO-97}) should be adopted for use by the Toxic Air Contaminants Program. A document has been prepared which describes the revised scheme, reviews the technical basis for the TEF methodology in its latest form, and illustrates the effects of the revisions on some typical calculations of total dioxin equivalents. We are seeking comments on the document, including its clarity, and the appropriateness of

the methodology and data on which the TEF scheme is based. Following this public comment period, the document and any comments received, along with OEHHA's response to these comments, will undergo review by the state's Scientific Review Panel on Toxic Air Contaminants.

The draft document *Proposal for the Adoption of the Revised Toxicity Equivalency Factor (TEF_{WHO-97}) Scheme* becomes available on the OEHHA Home Page at <http://www.oehha.ca.gov> on **January 6, 2003**. **The availability of the document on this site will commence a 30-day public review period that will end on February 5, 2003.**

A public workshop will be held at 1.00 pm–4.00 p.m. on Friday, January 24, 2003 in Oakland. Location information is as follows:

Training Room 1
Elihu Harris Building
1515 Clay St., 2nd Floor
Oakland, CA 94612

Please direct any inquiries concerning technical matters or availability of this document to Dr. Andrew G. Salmon at (510) 622-3191 or <mailto:asalmon@oehha.ca.gov>.

Please direct your comments, in writing, regarding the Proposal Document to:

Dr. Andrew G. Salmon
Chief, Air Toxicology and Risk Assessment Unit
Office of Environmental Health Hazard Assessment
515 Clay St., 16th Floor
Oakland, CA 94612

Information about dates and agenda for meetings of the Scientific Review Panel can be obtained from the ARB web page at <http://www.arb.ca.gov/srp/srp.htm>.

DECISION NOT TO PROCEED

BUREAU OF AUTOMOTIVE REPAIR

**NOTICE OF DECISION NOT TO PROCEED
WITH RULEMAKING ACTION**

The Bureau of Automotive Repair has decided not to proceed with its rulemaking action described in the Notice published in the *California Regulatory Notice Register*, No. 2002, 8Z, on February 22, 2002, OAL File No. Z-02-0211-03, concerning Title 16, section(s) 3340.42.

Dated: December 18, 2002

PATRICK DORAIS
Acting Chief
Bureau of Automotive Repair

DISAPPROVAL DECISIONS

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are published in full in the California Code of Regulatory Decisions. You may request a copy of a decision by contacting Mike Ibold, Law Librarian at the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, California 95814-4339, (916) 323-8906—FAX (916) 323-6826. Please request by OAL file number.

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW OAL FILE NO. 02-1025-11 S

BARBARA STEINHARDT-CARTER
Senior Staff Counsel

For: SHEILA R. MOHAN
Acting Director/Chief Counsel

In re:

BOARD OF PRISON TERMS

REGULATORY ACTION: Title 15, California Code of Regulations

AMEND SECTIONS: 2030, 2247, 2249, AND 2270

DECISION SUMMARY

This regulatory action clarifies and conforms timelines for presenting prisoner documents at parole suitability hearings and makes related changes. On December 11, 2002, the Office of Administrative Law (“OAL”) disapproved the proposed amendment of sections 2030, 2247, 2249, and 2270, Title 15, California Code of Regulations (“CCR”) for failure to follow the procedures required by the Administrative Procedure Act.

December 18, 2002

Original: Carol A. Daly, Chair
Cc: Lori Manieri

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates

indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

AIR RESOURCES BOARD

Applicability of Standards; Additional Standards

This action will delay for one year, the phase out of MTBE from gasoline by delaying required compliance with the California Reformulated Gasoline Phase 3 standards until January 1, 2004.

Title 13

California Code of Regulations

AMEND: 2261, 2262, 2262.4, 2262.5, 2262.6, 2262.9, 2265, 2266.5, 2269, 2271, 2272, 2296

Filed 12/24/02

Effective 12/24/02

Agency Contact:

W. Thomas Jennings (916) 322-2884

BOARD OF MINING AND GEOLOGY

Performance Standards—Backfilling Open Pit Surface Mine Operations

This emergency regulatory action establishes performance standards for backfilling excavations and recontouring lands disturbed by open pit surface mining operations for metallic minerals.

Title 14

California Code of Regulations

ADOPT: 3704.1

Filed 12/18/02

Effective 12/18/02

Agency Contact: Kit Gonzales (916) 322-1082

BOARD OF PSYCHOLOGY

Remove form CCR Previously Repealed Provisions on Supervisors’ and Post-Doctoral Qualifications

This filing without regulatory effect removes language concerning supervisors’ and pre-doctoral experience and qualifications. On December 31, 2000, the language became inoperative and was replaced by revised regulations effective January 1, 2001.

Title 16

California Code of Regulations

REPEAL: 1387, 1387.3, and 1387.5

Filed 12/23/02

Effective 12/23/02

Agency Contact: Kathy Bradbury (916) 263-0712

BOARD OF PSYCHOLOGY

Human Sexuality Training for Licensees

This section is repealed as it no longer applies to anyone because they would have either complied at their next renewal after 1980 or their license cancelled after three years

Title 16

California Code of Regulations

REPEAL: 1382.1

Filed 12/24/02

Effective 01/23/03

Agency Contact: Kathy Bradbury (916) 263-0712

COMMISSION ON TEACHER CREDENTIALING
Administrative Services Credential Authorization &
Services a Teacher May Provide

The regulatory action deals with the services credential with a specialization in administrative services and services a teacher may provide.

Title 5

California Code of Regulations

AMEND: 80054.5, 80020.4.1

Filed 12/23/02

Effective 01/22/03

Agency Contact:

Terri H. Fesperman (916) 323-5777

DEPARTMENT OF DEVELOPMENTAL SERVICES
Respite Care Rate Increase

This readopted emergency action increases (from \$8.57 to \$8.98 per hour) the rates paid to two types of respite care providers in keeping with the January 1, 2002, minimum wage increase to maintain the \$.81 cent differential with minimum wage and help retain qualified respite care workers.

Title 17

California Code of Regulations

AMEND: 57332

Filed 12/19/02

Effective 12/27/02

Agency Contact: Mayra Jimenez (916) 654-1608

DEPARTMENT OF FOOD AND AGRICULTURE
Quarantine Relief For direct Marketing

The proposed emergency action would authorize the director, on a case by case basis, to waive or modify specific restrictions on the direct marketing of agricultural products sold at certified farmers' markets in quarantine, natural disaster, or emergency situations.

Title 3

California Code of Regulations

ADOPT: 1392.12

Filed 12/24/02

Effective 12/24/02

Agency Contact:

Janice L. Price (916) 654-0919

DEPARTMENT OF HEALTH SERVICES
National Environmental Laboratory Accreditation

This Certification of Compliance adopts the fees for accreditation in the National Environmental Labora-

tory Accreditation Program (NELAP). (Previous OAL file ## 01-1105-02E, 02-0226-01EE, and 02-0712-02EE)

Title 22

California Code of Regulations

ADOPT: 64860

Filed 12/23/02

Effective 12/23/02

Agency Contact:

Charles E. Smith (916) 657-0730

DEPARTMENT OF HEALTH SERVICES
Medi-Cal Provider Rates

This action is the certification of compliance for a major update of the rates paid to providers of Medi-Cal services and equipment.

Title 22

California Code of Regulations

AMEND: 51503, 51503.2, 51504, 51505.2, 51505.3, 51507, 51507.1, 51507.2, 51507.3, 51509, 51509.1, 51514, 51517, 51521, 51527, 51529, 51535.5

Filed 12/24/02

Effective 12/24/02

Agency Contact:

Jasmin Delacruz (916) 657-0501

DEPARTMENT OF SOCIAL SERVICES
Group Homes Emergency Intervention Plan Section 100

The Department of Social Services is renumbering the captioned sections of their Manual of Policies and Procedures in order to allow for the inclusion of future regulations.

Title MPP

California Code of Regulations

AMEND: 84001, 84022, 84061, 84063, 84065, 84800, 84801, 84802, 84802.1, 84808, 84805, 84803, 84804, 84806, and 84807.

Filed 12/24/02

Effective 01/23/03

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
Implementation of AB 1695

This action implements AB 1695 (Chap. 653, Stats. 2001) by conforming provisions governing the Aid to Families with Dependent Children—Foster Care (AFDC-FC) program to changes in federal law.

Title MPP

California Code of Regulations

AMEND: 45-101, 45-201, 45-202, 45-203, 45-302, 45-304, 80-310

Filed 12/19/02

Effective 01/18/03

Agency Contact:

Anthony J. Velasquez (916) 657-2586

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**

Architectural and Engineering

The regulatory action is the Certificate of Compliance for emergency regulations that dealt with the selection process for the procurement of private architectural and engineering services for sites or facilities. (Prior OAL files 01-1029-04E, 02-0301-02EE and 02-0618-04EE. Department of Toxic Substances Control File Number R 00-03.)

Title 22

California Code of Regulations

ADOPT: 67900.1, 67900.2, 67900.3, 67900.4, 67900.5, 67900.6, 67900.7, 67900.8, 67900.9, 67900.10, 67900.11, 67900.12

Filed 12/23/02

Effective 12/23/02

Agency Contact: Joan Ferber (916) 322-6409

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Fumigation

Gender-specific references to “men” and “man” are being rendered gender-neutral by changing to person, people, and employees.

Title 8

California Code of Regulations

AMEND: 5221, 5223,

Filed 12/19/02

Effective 12/19/02

Agency Contact: Marley Hart (916) 274-5721

OFFICE OF EMERGENCY SERVICES

Disaster Assistance

The Governor’s Office of Emergency Services is amending the captioned sections and corresponding forms numbered OES 126, Rev. 1/03, entitled Project Application, California Disaster Assistance Act Program; OES 90, Rev. 1/03, entitled Damage Survey Report; NDAA Form 3a, Rev. 1/03, entitled Exhibit “D”, Applicant Approval and Payment Request; and NDAA Form 4a, Rev. 1/03, entitled Project Summary, Certification of Documentation. Changes to the aforementioned was necessitated by Stats. 2002, Ch. 461, and Stats. 2002, Ch. 822.

Title 19

California Code of Regulations

AMEND: 2900, 2910, 2915, 2925, 2930, 2940, 2945, 2955, 2965, 2970, 2980, 2990

Filed 12/19/02

Effective 01/18/03

Agency Contact: Patti Rapozo (916) 845-8256

**PHYSICAL THERAPY BOARD OF CALIFORNIA
Supervision of Physical Therapist Students**

The Business and Professions Code authorizes physical therapist and physical therapist assistant students and interns to serve a period of clinical service as part of their course of study. While there are regulations requiring the students and interns to be identified as such, there are no supervision nor documentation requirements. This regulatory action would revise the identification requirements and provide documentation and supervision requirements.

Title 16

California Code of Regulations

ADOPT: 1398.52 AMEND: 1398.37

Filed 12/23/02

Effective 01/22/03

Agency Contact: Rebecca Marco (916) 263-2550

**PHYSICAL THERAPY BOARD OF CALIFORNIA
Supervision of PT & PTA License Applicants**

Pursuant to sections 2639 and 2655.91 of the Business and Professions Code, a physical therapist license applicant and a physical therapist assistant license applicant may perform physical therapy under the direct supervision of a licensed physical therapist pending receipt of the examination results. This regulatory action would require the applicant to document each treatment provided to the patient in the patient’s record and the supervisor to countersign and date the entry by the applicant on the same day the patient related tasks were provided. Additionally, this regulatory action would require the supervising physical therapist to document receipt of the letter authorizing applicant status and record the expiration date of the applicant status in the employee record as well as the license issued at the conclusion of the applicant status.

Title 16

California Code of Regulations

AMEND: 1399.10, 1399.12

Filed 12/23/02

Effective 01/22/03

Agency Contact: Rebecca Marco (916) 263-2550

**PHYSICAL THERAPY BOARD OF CALIFORNIA
Citation and Fines**

This action would require citations to be purged after 7 years. It would also add sections of the Business and Professions Code and the California Code of Regulations to the list of sections that may be cited for violations.

Title 16

California Code of Regulations

AMEND: 1399.25, 1399.26, 1399.27, 1399.28, 1399.29

Filed 12/24/02

Effective 01/23/03

Agency Contact: Rebecca Marco (916) 263-2550

PHYSICAL THERAPY BOARD OF CALIFORNIA
Definitions

Section 2655(b) of the Business and Professions Code defines a "physical therapist assistant" as a person meeting specified requirements and who is approved by the Physical Therapy Board to assist in the provision of physical therapy under the supervision of a physical therapist. This regulatory action would change the existing regulations to refer to this board approval as a "license". Section 23.7 of the Business and Professions Code provides that ". . . 'license' means license, certificate, registration, or other means to engage in a business or profession regulated by this code"

Title 16

California Code of Regulations

AMEND: 1398.3, 1398.20, 1398.21.1, 1398.28, 1398.42, 1398.47, 1399.12, 1399.20, 1399.21, 1399.22, 1399.52

Filed 12/19/02

Effective 01/18/03

Agency Contact: Rebecca Marco (916) 263-2550

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
San Francisco Bay Plan

This action amends the San Francisco Bay Plan, revising the mitigation policies and adding mitigation findings. The Office of Administrative Law has a limited review pursuant to Government Code section 11354.1.

Title 14

California Code of Regulations

AMEND: 11900

Filed 12/19/02

Effective 01/18/03

Agency Contact:

Caitlin Sweeney (415) 557-8794

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
San Francisco Bay Plan

This action amends the San Francisco Bay Plan, updating the Bay Plan recreation findings and policies and amending the Plan Map Notes and Plan Map Policies pertaining to military bases designated for park priority use as they become available or retired from military use. The Office of Administrative Law has a limited review pursuant to Government Code section 11354.1. Affected areas include Fort Miley, the Presidio, Fort Mason and Yerba Buena Island in San Francisco, the Navy Submarine Net Depot (Romberg

Tiburon Center) and Fort Baker in Marin County, Pt. Molate in Richmond, and Coast Guard Island in Alameda.

Title 14

California Code of Regulations

AMEND: 11900 and 11901

Filed 12/19/02

Effective 12/19/02

Agency Contact: Joseph LaClair (415) 352-3656

STATE ALLOCATION BOARD

Federal School Repair and Renovation Program

This Certification of Compliance implements the Federal School Repair and Renovation Program established by Section 1(a)(1), United States Department of Education Consolidated Appropriations Act of 2001 (Public Law 106-554). (Previous OAL file ##02-0305-10E and 02-0709-03EE)

Title 2

California Code of Regulations

ADOPT: 1859.200, 1859.201, 1859.202, 1859.203, 1859.204, 1859.205, 1859.206, 1859.207, 1859.208, 1859.209, 1859.210, 1859.211, 1859.212, 1859.213, 1859.214, 1859.215, 1859.216, 1859.217, 1859.218, 1859.218, 1859.219, 1859.220,

Filed 12/19/02

Effective 12/19/02

Agency Contact: Lisa Jones (916) 322-1043

STATE WATER RESOURCES CONTROL BOARD
Administering Pesticide Research and Mitigation Grants

This emergency rulemaking action adopts the requirements for pesticide research and mitigation grants.

Title 23

California Code of Regulations

ADOPT: 3410, 3410.1, 3410.2, 3410.3, 3410.4, 3410.5

Filed 12/19/02

Effective 12/19/02

Agency Contact:

Steven Rodriguez (916) 324-9944

WORKERS COMPENSATION APPEALS BOARD
Workers' Compensation Appeals Board Rules of Practice and Procedure

This action revises the Rules of Practice and Procedure governing the Workers' Compensation Appeals Board. This action was submitted to OAL for printing pursuant to the partial APA exemption contained in Government Code section 11351. Title California Code of Regulations
ADOPT: 10341, 10347, 10349, 10391, 10410, 10411, 10412, 10415, 10417, 10430, 10506, 10555, 10583, 10605, 10607, 10751, 10773, 10888, 10890, 10953

AMEND: 10301, 10306, 10308, 10322, 10324, 10340, 10346, 10348, 10350, 10351, 10353, 10360, 10364, 10380, 10

Filed 12/19/02

Effective 01/18/03

Agency Contact:

Dennis J. Hannigan (415) 703-4554

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN AUGUST 21, 2002
TO DECEMBER 25, 2002**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

10/29/02 AMEND: 1, 100

Title 2

12/19/02 ADOPT: 1859.200, 1859.201, 1859.202, 1859.203, 1859.204, 1859.205, 1859.206, 1859.207, 1859.208, 1859.209, 1859.210, 1859.211, 1859.212, 1859.213, 1859.214, 1859.215, 1859.216, 1859.217, 1859.218, 1859.218, 1859.219, 1859.220,

12/17/02 ADOPT: 599.723.2

12/10/02 ADOPT: 58700

11/26/02 AMEND: 57.1

11/18/02 AMEND: 589, 589.3, 589.4, 589.5, 589.9

11/14/02 AMEND: 2271

11/04/02 ADOPT: 1859.70.1, 1859.71.3, 1859.78.5, 1859.78.6, 1859.78.7, 1859.93.1, 1859.120, 1859.121, 1859.122, 1859.122.1, 1859.122.2, 1859.123, 1859.124, 1859.124.1, 1859.125, 1859.125.1, 1859.126, 1859.127, 1859.128, 1859.129, 1859.130, 1859.140, 1859.141, 1859

11/04/02 ADOPT: 549.95

10/31/02 ADOPT: 18531.7

10/31/02 AMEND: 51000

10/24/02 ADOPT: 2351

10/09/02 AMEND: 18539.2

10/04/02 ADOPT: 18544

10/04/02 AMEND: 1859.81, 1859.91

09/16/02 AMEND: 1859.79, 1859.79.3, 1859.81.1, 1859.83, 1859.107

09/12/02 AMEND: 18110, 18401, 18404.1, 18451, 18540, 18705.4, 18997

09/09/02 AMEND: 1859.92, 1859.104, 1859.105, 1859.107

Title 3

12/24/02 ADOPT: 1392.12

12/12/02 AMEND: 3417(b)

12/12/02 AMEND: 3417(b)

12/12/02 AMEND: 3423(b)

12/10/02 AMEND: 3700(b)

12/05/02 AMEND: 6550

12/03/02 AMEND: 6622

12/02/02 AMEND: 1392.1, 1392.2, 1392.4, 1392.9.1

12/02/02 AMEND: 3423(b)

11/12/02 ADOPT: 4600, 4601, 4602, 4603

11/07/02 AMEND: 6000, 6710

11/01/02 AMEND: 3417(b)

10/28/02 AMEND: 3604(b)

10/24/02 AMEND: 1380.19, 1430.10, 1430.12, 1430.14, 1430.26, 1430.27, 1430.32, 1430.45, 1430.50, 1430.51

10/17/02 ADOPT: 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3663.5

10/09/02 AMEND: 1380.19(h), 1420.10, 1442.7 REPEAL: 1420.9, 1442.10

09/19/02 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 6784

09/10/02 AMEND: 3700(c)

09/09/02 AMEND: 6414

08/30/02 AMEND: 3423(b)

08/29/02 AMEND: 1408.3

Title 4

12/12/02 ADOPT: 12100, 12101, 12104, 12105, 12120, 12122, 12124, 12126, 12128, 12130, 12132, 12140, 12142

12/05/02 ADOPT: 12309, 12310 AMEND: 12300, 12301, 12302, 12303, 12305

10/15/02 ADOPT: 1867

10/07/02 ADOPT: 12300, 12301, 12302, 12303, 12304, 12305, 12306, 12307, 12308

09/12/02 ADOPT: 8110, 8111, 8112, 8113, 8114, 8115, 8116, 8117, 8118, 8119, 8120, 8121, 8122, 8123, 8124, 8125

09/03/02 AMEND: 1107

Title 5

12/23/02 AMEND: 80054.5, 80020.4.1

12/10/02 ADOPT: 11983.5

12/09/02 AMEND: 80054

12/05/02 AMEND: 30950, 30951, 30951.1, 30952, 30953, 30954, 30955, 30956, 30957, 30958, 30959

10/21/02 AMEND: 18301

10/17/02 ADOPT: 80434 AMEND: 80001

Title 8

12/19/02 AMEND: 5221, 5223,
 12/03/02 AMEND: 4794, 4848, 4850
 12/02/02 AMEND: 3441(a)
 11/18/02 ADOPT: 2980, 2981, 2982, 2983
 10/01/02 AMEND: 3457(b)
 09/25/02 AMEND: 451, 527
 09/19/02 AMEND: 14004, 14005
 09/12/02 AMEND: 1671.2
 09/09/02 ADOPT: 13635.1, 13655, 13656, 13657,
 13658, 13659 AMEND: 13630, 13631,
 13632, 13633, 13634, 13635,
 13637,13638,13639, 13640, 13641,
 13642, 13643, 13644, 13645,
 13646,13647, 13648, 13649,13650,
 13651, 13652, 13653, 13654
 09/03/02 ADOPT: 20299
 08/26/02 ADOPT: 340.40, 340.41, 340.42, 340.43,
 340.44, 340.45, 340.46, 340.47, 340.48,
 340.49, 340.50, 340.51, 340.52

Title 9

11/26/02 ADOPT: 9526, 9531 AMEND: 9500,
 9505, 9515, 9530, 9535

Title 10

12/16/02 ADOPT: 1422, 1423
 12/12/02 ADOPT: 2699.6606, 2699.6711,
 2699.6631, 2699.6717 AMEND:
 2699.6500, 2699.6600, 2699.6605,
 2699.6607, 2699.6611, 2699.6613,
 2699.6617, 2699.6623, 2699.6625,
 2699.6629, 2699.6631, 2699.6700,
 2699.6703, 2699.6705, 2699.6709,
 2699.6800, 2699.6801, 2699.680
 12/12/02 AMEND: 2632.8
 12/05/02 AMEND: 2632.13(c)
 11/22/02 ADOPT: 2689.1, 2689.2, 2689.3, 2689.4,
 2689.5, 2689.6, 2689.7, 2689.8, 2689.9,
 2689.10, 2689.11, 2689.12, 2689.13,
 2689.14, 2689.15, 2689.16, 2689.17,
 2689.18, 2689.19, 2689.20, 2689.21,
 2689.22, 2689.23, 2689.24,
 11/19/02 ADOPT: 2542, 2542.1, 2542.2, 2542.3,
 2542.4, 2542.5, 2542.6, 2542.7, 2542.8
 11/18/02 ADOPT: 2187.4
 11/14/02 AMEND: 5002
 11/07/02 ADOPT: 2193, 2193.1, 2193.2 2193.3
 11/04/02 ADOPT: 2698.99
 10/31/02 ADOPT: 2632.13
 10/16/02 ADOPT: 2660 AMEND: 2646.2, 2648.4,
 2651.1, 2652.5, 2655.1, 2655.5, 2655.6,
 2655.10, 2656.1, 2656.2, 2656.3, 2656.4,
 2657.2, 2658.1, 2659.1, 2661.3, 2697.3
 09/25/02 ADOPT: 2698.90, 2698.91
 09/25/02 AMEND: 250.9.1(a), 250.12(a), 250.51,
 350.60(a), 260.001, 260.100.1,
 260.100.3, 260.102.4(b), 260.102.8(b),

260.102.16, 260.103, 260.105.28,
 260.105.33, 260.111, 260.112, 260.113,
 260.121, 260.131, 260.140.71.2,
 260.140.87(e), 260.140.110.2, 260.140.11

09/19/02 AMEND: 2851, 2851.1
 08/30/02 AMEND: 5101
 08/29/02 AMEND: 2698.200, 2698.201, 2698.301,
 2698.302
 08/28/02 ADOPT: 2278, 2278, 2278.1, 2278.2,
 2278.3, 2278.4, 2278.5
 08/28/02 AMEND: 2698.73
 08/27/02 AMEND: 2632.5(d)(11)

Title 11

12/04/02 ADOPT: 977.52 AMEND: 977.20,
 977.43, 977.44, 977.45, 977.50, 977.51
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